

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**ROBERT PHILLIPS,**

**Plaintiff,**

**v.**

**6:11-CV-1027**

**HSBC BANK USA NA,**

**Defendant.**

**Z APPEARANCES:**

**ROBERT PHILLIPS**  
**Plaintiff, *pro se***

**NORMAN A. MORDUE, CHIEF U. S. DISTRICT JUDGE**

**OF COUNSEL:**

**ORDER**

**V** The above matter comes to me following a Report-Recommendation by Magistrate Judge David E. Peebles, duly filed on the 8<sup>th</sup> day of November 2011. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

**M** Such Report-Recommendation was mailed to plaintiff's last known residence via regular and certified mail. See docket no. 6. The Report-Recommendation served upon plaintiff via certified mail was returned to the Court as UNCLAIMED. *See* docket no. 7. All communications sent to plaintiff via regular mail by the Court have not been returned.

Additionally, plaintiff was previously advised by the Court that plaintiff was required to promptly notify the Clerk's Office of any change in his address, and that failure to keep such office apprised of his current address would result in the dismissal of the instant action. *See*

docket no. 4.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

**ORDERED** that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The complaint is dismissed without prejudice for failure to timely comply with this court's order and failure to pay the filing fee.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case. Plaintiff shall also be served by certified mail, return receipt requested.

**IT IS SO ORDERED.**

Dated: December 2, 2011  
Syracuse, New York

  
Norman A. Mordue  
Norman A. Mordue  
Chief United States District Court Judge